



Interpreter Study Documents Increased Demand, Usage

Providing all Californians with equal access to the courts and the ability to participate in court proceedings is one of the foremost goals of the Judicial Council. But in a state where the U.S. Census Bureau's 1990 census reported that 224 languages as well as numerous dialects were spoken, the council faces a serious test in fulfilling its goal. The challenge continues to increase: In 1998 California was the residential destination for 170,000 of the nation's 660,000 immigrants.

Acknowledging the significant challenges to the court system in providing interpreter

services to a population with such linguistic diversity, the Judicial Council of California has approved the release of a study of spoken language needs and interpreter use in the state's trial courts. The *2000 Language Need and Interpreter Use Study* provides the council with background, data, and analysis to make short-term and long-term decisions regarding additional languages to include in the certification program for court interpreters.

The research methods for the study included (1) a survey of California trial courts with responses from all 58 counties, (2) analyses of census and survey data from the U.S. Bureau of the Census, (3) analyses of reports from the U.S. Immigration and Naturalization Service, and (4) a review of selected publications and Web sites. The following summary provides highlights of the study.

✓ Fifty-six of California's

58 counties reported providing interpreter services.

✓ The top 10 languages by days of interpreter service were Spanish (145,661), Vietnamese (9,197), Korean (3,716), Cantonese (3,252), Armenian (2,730), Cambodian (2,112), Mandarin (2,100), Tagalog (1,986), Russian (1,957), and Punjabi (1,491).

✓ The eight designated languages currently included in the state's interpreter certification program (Arabic, Cantonese, Japanese, Korean, Portuguese, Spanish, Tagalog, and Vietnamese) all increased in days of interpreter use between the 1995 study and the current study.

✓ As of June 2000, there were 1,108 certified court interpreters in California.

✓ Though expenditures on certified court interpreters increased in the last five years, the total number of interpreters certified for the eight designated languages decreased from 1,675 to 1,108.



Fifty-six California counties report that they provide interpreter services. As of June 2000, California had 1,108 certified court interpreters. Photo: Jason Doiy

✓ Hmong, with 3,077 appearances, and Mien, with 1,003 appearances, were the indigenous languages requiring the greatest amount of court interpreter services.

✓ Fewer than half the immigrants in California surveyed in 1990 who had entered the United States after the age of 25 had learned to speak English "very well," even after 20 years of residence.

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Judicial Ethics Program Under Way

Judge Richard Haden and Judge Judith McConnell, both from the Superior Court of San Diego County, agreed that the first official ethics training for judicial officers as part of the Qualifying Ethics Program "was very successful and exceeded expectations." Judge Haden, who taught the class along with Judge McConnell and Judge Dennis Cornell from the Superior Court of Merced County, commented that "students asked questions, were engaged in the program,

and showed their appreciation for the training."

The Education Division of the Administrative Office of the Courts (AOC), in conjunction with the Qualifying Ethics Planning Committee, launched this first-of-its-kind ethics training on September 14 in San Diego.

As part of the transition to state funding, the Judicial Council has developed an insurance program for the defense of justices, judges, commissioners, and referees in proceedings be-

fore the Commission on Judicial Performance (CJP). The CJP insurance program, intended to eliminate or reduce the type of conduct that has led to proceedings before the CJP, contains an education and training component. All judicial officers participating in the program are required to take a one-day educational seminar once every three years. Retired judges who participate in the assigned judges program are also required to take the training.

The training sessions provide an opportunity for judicial officers to focus on relevant subject areas, such as ethics, elimination of bias, and employment issues. The sessions are designed to be interactive, limited to a small group (with a goal of no more than 25 participants), and offered all over the state.

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On August 25, the faculty for the Qualifying Ethics Program conducted a dress rehearsal for its first training class, which was held in September. (Left to right) Faculty members Judge David B. Finkel, Superior Court of Los Angeles County; Judge Laurence D. Rubin, Superior Court of Los Angeles County; and Judge Fumiko Hachiya Wasserman, Superior Court of Los Angeles County.

Save the Date

C J A C
January 31-February 2, 2001
San Diego

See story, page 12.





Chief Justice
Ronald M.
George

MESSAGE FROM THE CHIEF JUSTICE

State of the Judiciary

On September 16, Chief Justice Ronald M. George delivered the State of the Judiciary address at the State Bar Annual Meeting in San Diego. His message to attorneys from around the state included an appeal to do pro bono work for those who cannot afford legal representation. Following is an excerpt from the address.

Justice is not a luxury to be financed in good times and cut back as an extravagance in bad times. That essential message needs repeating and must be reinforced continually.

This past year, however, our court system was able to shift from simply “hanging on” to firmer footing. The Governor and the Legislature were very responsive to our branch’s needs, and their actions will make a real difference in the administration of justice in California—helping our system of justice not only plan but also realize its plans for the future. . . .

SERVING A DIVERSE POPULATION

Courts, to be successful in performing their mission of providing fair and accessible justice, must be sensitive to the public they serve and its diverse make-up and needs. Just a few weeks ago, a report announced that there no

the system of justice. Advancing the cause of justice requires the participation of lawyers in protecting and enhancing the system as a whole, not simply the interests of their clients or themselves. I hope that you will join your peers who were honored two evenings ago and take some time to assist those who otherwise would have no legal assistance. With your skills and experience, you have a unique opportunity to transform lives—including your own.

COURTS ASSISTING PRO PERS

The courts too are taking the problem of unrepresented litigants very seriously, and reaching out in unprecedented ways to make a difference. In consultation with the State Bar, the judicial system is establishing a new statewide task force on “pro pers.” But courts are not awaiting the task force’s recommendations to proceed. Some are already using self-help centers to assist litigants. Across the state, child support commissioners are assisting those seeking support. The Center for Families, Children & the Courts, a major unit of the Administrative Office of the Courts, is spearheading a variety of projects focused on improving how courts treat families and their legal issues. . . .

In other local efforts, many courts are coordinating with local bar associations to provide limited legal assistance, such as help in filling out forms. The Superior Court of Los Angeles County, in partnership with volunteer lawyers and in coordination with local social service agencies, has facilitated the adoption of thousands of children in foster care by hosting “Adoption Saturday” each November. Sacramento County has a similar program, and other courts are ready to follow. I participated in Los Angeles last year, assigning myself to be a trial judge for the day and presiding over 10 adoption hearings. It was a very fulfilling experience, and I hope to repeat it soon. I can think of few activities for a judge or a lawyer that are more satisfying than being part of creating a permanent family for a child. . . .

SHARING A BROAD VISION OF JUSTICE

Administering justice is not for the myopic. Neither is the practice of law. To fulfill the promises of each demands broad vision combined with a sharp and firm focus on access and fairness. Preserving an independent and vital justice system is the obligation and responsibility of every lawyer and jurist, and presently the opportunities for having an impact and fulfilling those duties are many and varied.

As we celebrate the sesquicentennial of our state and enter a new millennium, let me share with you the words of Henry Stimson, secretary of war for both Theodore and Franklin Roosevelt and secretary of state for Herbert Hoover, in the introduction to his memoirs, written in 1948:

“I came to learn and understand the noble history of the profession of the law. I came to realize that without

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longer is a majority population group in California. When we call ourselves Californians we are declaring ourselves part of a rich and diverse culture. The challenge is for all of us to encourage, learn from, and draw upon the strengths that our shared minority status confers. For our system of justice, that means at a minimum that our courts must be open and accessible to all the constituent parts of our state’s population. And that requires a cooperative, collaborative approach to improving the administration of justice and a broader view of what courts must do to accommodate those needing their services.

It is axiomatic in our democratic system that individuals coming into court must be able to understand the proceedings. There can be no justice if there is no comprehension. To break down the most basic barrier—language—we have established a certification program to ensure accurate interpreting and have increased pay for certified and registered court interpreters to \$265 per day—the third increase in 18 months.

PRO BONO WORK ENCOURAGED

Two nights ago I was honored to participate in the State Bar’s award ceremony honoring the pro bono contributions of lawyers from around the state. It was particularly significant in light of a recent poll showing that each of the 50,000 or so attorneys at the nation’s 100 highest-grossing firms spends about 8 minutes a day on pro bono activities, averaging a grand total of 36 hours per year.

I recognize that the headline-grabbing increases in salaries at many law firms are matched by a gut-wrenching increase in the number of billable hours expected from those earning these high salaries. Yet, as Abner Mikva, a former federal judge, observed in a recent op-ed piece, “if neophyte lawyers are only doing well and not doing good, they have reason to feel cheated.” And, I would add, that applies to experienced attorneys as well.

Lawyers whose sole focus is the bottom line may see their bank accounts grow, but surveys have shown that their job satisfaction is likely to dwindle. Many of us entered the legal profession because we wanted to make a difference—not just in our personal situations but in society. As someone who has served in the public sector for my entire career, I share Judge Mikva’s sentiment—I would not trade what I have done.

Access and fairness in the courts are not abstract philosophical principles—they are basic to preserving the rule of law. As lawyers, you are an integral part of

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a bar trained in the conditions of courage and loyalty our constitutional theories of individual liberty would cease to be a living reality. . . . So I came to feel that the American lawyer should regard himself as a potential officer of his government and a defender of its laws and Constitution. I felt that if the time should ever come when this tradition had faded out and the members of the bar had become merely the servants of business, the future of our liberties would be gloomy indeed.”

I believe that our bar and our courts have chosen to stand firm as defenders of the rule of law. But I also believe that is a choice that must be made over and over again. I invite you to work with the courts in the years ahead to ensure that the right choice continues to be made—not only in furtherance of the administration of justice, but to the benefit of each of your professional lives.

Take Note

For the full text of the Chief Justice’s State of the Judiciary address, visit the California Courts Web site, www.courtinfo.ca.gov/reference/soj0900.htm.

Judicial Council Action

Council Increases Public Access to Court Records

In a vote that expands public access to court records, at its October 27 business meeting the Judicial Council adopted new procedures to guide California courts in handling requests to seal court records.

The new procedures will establish uniformity in an area where court practices have varied throughout the state. They are contained in new and amended California Rules of Court that apply to all state courts effective January 1, 2001.

Considered at the request of the state Supreme Court, the new rules follow the court's recent decision in *NBC Subsidiary (KNBC-TV), Inc. v. Superior Court* (1999) 20 Cal.4th 1178. That decision held that the right of public access to trials applies to civil as well as criminal proceedings. It also provided guidance on the proper standard for courts to apply in deciding whether to seal documents filed in court as the basis for adjudication.

The new rules state, "Unless confidentiality is required by law, trial court records are presumed to be open." The rules incorporate the standard set out in the *NBC* case, providing that trial courts may not seal records unless the court expressly finds:

- There exists an overriding interest that overcomes the right of public access to the record;
- The overriding interest supports sealing the record;
- A substantial probability exists that the overriding interest will be prejudiced if the record is not sealed;
- The proposed sealing is narrowly tailored; and
- No less restrictive means exist to achieve the overriding interest.

OTHER ACTIONS

The council also took the following actions:

◆ Adopted a new rule of court providing for reasonable public access to budget allocation and expenditure information at the state and local levels. The rule also provides trial courts with procedures for responding to requests for information on court administration.

◆ Approved a budget request for 30 trial court judgeships and 5 appellate judgeships for fiscal year 2001–2002. The trial court request is the second part of the council's two-year legislative request for 50 new trial court judgeships. In September 2000, Governor Davis signed a bill creating the first 20 trial court judgeships, as well as 12 new appellate judgeships.

◆ Adopted new rules of court and forms to implement Proposition 21 and Senate Bill 334, which made major structural changes in the administration of juvenile delinquency cases. Proposition 21, known as the "juvenile justice initiative," expands the list of "serious" and "violent" felonies used in determining juvenile dispositions and fitness, including when a juvenile may be tried as an adult. SB 334 establishes a "reverse remand" procedure, allowing a judge to "remand" a youth's case to the juvenile court in specified circumstances.

◆ Adopted a new rule of court and forms to implement recent legislation that requires a court order for psychotropic drugs to be administered to foster children. The new rule establishes procedures to ensure that courts are provided with

sufficient information before such an order is issued.

◆ Adopted a revision and reorganization of the rules and standards on criminal cases. By putting all criminal case rules under one title and organizing them into logical categories, the council took a major step forward in its effort to improve the organization of the rules of court.

◆ Adopted a new set of uniform statewide probate rules, the

second part of a major reorganization of these rules.

◆ Adopted rules that ensure that all parties are aware of the available options for alternative dispute resolution and are encouraged to use these options in appropriate cases. The rules implement recommendations made by the Judicial Council Task Force on the Quality of Justice, Subcommittee on Alternative Dispute Resolution.

◆ Heard an informational report on the use of subordinate judicial officers in courts.

All new and amended rules of court and forms will appear in the advance sheets of the California Official Reports. The rules and forms generally will take effect January 1, 2001, unless otherwise noted. ■

AOC Improving Grant-Related Services to Courts

To improve services to local courts in the area of grants administration, the AOC has developed a centralized grants unit within the agency. Lucy Smallsreed has been hired as grants program administrator to help manage the unit.

The new unit will act as a clearinghouse for information about grants and grant-making activities. In addition, it will assist in simplifying systems and procedures for grant-making activities across the agency. Specific objectives include simplification of the grant application process, greater uniformity of proposal evaluation and grant reporting forms and procedures, clearer lines of responsibility for grants management, and improved grant communications with the courts.

"We recognized the need for streamlining the grant-making process to allow courts easier access to available information and funding," says Deputy Adminis-

trative Director Dale Sipes, who oversees the Trial Court Programs Division at the AOC. "The creation of the centralized grants unit and the addition of Lucy will expedite that process."

Ms. Smallsreed brings a wealth of experience in grant-making and grants administration, having worked as both staff and consultant to three major Bay Area foundations. As the first grants director for the Marin Community Foundation, she helped design and establish its grant-making systems from the ground up. Her experience in the public sector includes grants management and grant writing for the County of Marin, and work on the legislative staff of the Speaker of the House for the State of Illinois.

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Lucy Smallsreed

AOC Appoints Human Resources Director

The Administrative Office of the Courts (AOC) has appointed Susan Hough its director of human resources. Ms. Hough will assume her duties in December.

Ms. Hough will lead a team of 35 managers and staff in providing personnel services to the California appellate courts, the Habeas Corpus Resource Center, and the AOC. In addition, Ms. Hough will focus on trial court personnel issues related to Senate Bill 2140, which establishes a uniform personnel system for California's 18,000 trial court employees.

"After a nationwide search of human resources profession-

als, we are extremely pleased to have Susan Hough join our management team," says William C. Vickrey, Administrative Director of the Courts. "The California judiciary faces tremendous challenges and opportunities as its trial courts assume direct responsibility for our 18,000 employees under recently passed legislation. Ms. Hough has the experience and leadership skills necessary to support the judicial branch's efforts to develop policies and implement practices that will continue to promote a positive work environment and an effective professional workforce in all California courts."

Ms. Hough has been involved in the field of human resources and employee relations for more than 20 years. Most recently she held the top human resources position at the State University of New York in Buffalo. Her duties there included developing personnel policies and programs, overseeing the human resources budget, serving as liaison to state and federal agencies and regulatory bodies, and implementing collective bargaining agreements.

She previously served as manager of human resources for the University of California at Davis, where she was responsible for more than 12,000 employees. An attorney, Ms. Hough practiced labor and employment law as a partner in the firm of Pearson and Hough in Arcadia and Sacramento. Prior to her law

practice, she held various human resources management positions with Exxon Research and Engineering Company and was a labor relations specialist with the Miller Brewing Company.

"Susan's experience in developing and managing complex human resources departments makes her the right person to lead the judicial branch's human resources office during a period of significant change," states Ronald Overholt, Chief Deputy Director of the AOC and a member of the selection committee.

Ms. Hough received a Doctor of Jurisprudence degree from Willamette University College of Law in Salem, Oregon, where she also earned a Certificate in Dispute Resolution (1989). She holds a Master of Labor and Industrial Relations degree from Michigan State University (1978). ■



Susan Hough